



April 2004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**BY FACSIMILE AND  
CERTIFIED FIRST CLASS MAIL  
RETURN-RECEIPT REQUESTED**

Glenn S. Gerstell  
Chairman and Principal Member  
Board of Directors  
District of Columbia Water and Sewer Authority  
5000 Overlook Ave., SW  
Washington, DC 20032

Jerry N. Johnson  
General Manager  
District of Columbia Water and Sewer Authority  
5000 Overlook Ave., SW  
Washington, DC 20032

**Re: Information Request Under Section 1445(a) of the Safe Drinking Water Act, 42 U.S.C. § 300f, et seq.**

Dear Sirs:

This letter and the enclosed Information Request formally request information for the purpose of determining the District of Columbia Water and Sewer Authority's ("DCWASA") compliance with the requirements of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300f, et seq., and the National Primary Drinking Water Regulations ("NPDWRs"), 40 C.F.R. Part 141, et seq.

DCWASA owns and operates a "public water system" that provides piped drinking water for human consumption to the residents of the District of Columbia. As such, DCWASA owns and operates a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2, and a "community water system" within the meaning of 40 C.F.R. § 141.2. Because DCWASA owns and/or operates a public water system, DCWASA is a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2, and is therefore subject to the requirements of the NPDWR. Pursuant to Section 1413 of the Act, 42 U.S.C. § 300g-2, a State may apply and the Administrator may approve a State for primary enforcement responsibility for public water systems in that State. To date, the District of Columbia has not been authorized to undertake such responsibility. Therefore, EPA has primary enforcement responsibility for the SDWA in the District of Columbia.

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to determine compliance with the SDWA. The requirement to submit information upon request pursuant to Section 1445(a) of the SDWA is mandatory. Compliance with this requirement does not relieve DCWASA of any of the existing requirements under SDWA or the NPDWRs, nor does it operate



to resolve any liability for violations of the SDWA or the NPDWRs. Failure to provide the requested information is a violation of the SDWA and subjects the violator to a penalty of up to \$32,500 for each day of violation. Each day beyond the required deadline that you fail to provide a complete response to the request for information will constitute a separate violation.

**Please submit your written response in accordance with the attached instructions within twenty-one (21) days of receiving this Request for Information to:**

Karen D. Johnson  
Chief, Safe Drinking Water Act Branch  
United States Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Although the information requested must be submitted to EPA, you are entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. If EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B.

We appreciate your cooperation and prompt attention to this matter. Please contact Karen Johnson, the Chief of the Safe Drinking Water Act Branch within 72 hours of receipt this information request to inform us of your intention to comply with this request. If you or your staff would like an opportunity to meet or confer with us or if you have any questions relating to this information request, please contact Karen Johnson at (215) 814-5445. Thank you for your cooperation in this matter.

Sincerely,

Jon M. Capacasa  
Director  
Water Protection Division

Enclosure

### **INFORMATION REQUEST**

This information is requested pursuant to Section 1445(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-4(a). The Instructions and Definitions for responding to this Information Request are as follows:

#### **A. Instructions & Definitions**

1. A separate narrative response must be made for each question set forth below, and for each subpart of each question.
2. Precede each answer with the corresponding number of the question and subpart to which it responds.
3. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
4. Provide documents in both hard copy and electronic form, where available. The term "document" refers to "writings," "recordings" and "photographs" as those terms are defined in Rule 1001 of the Federal Rules of Evidence. Documents should be produced as they are kept in the usual course of business.
5. If any question cannot be answered in full, answer to the extent possible along with an explanation of why the question cannot be answered in full. If your responses are qualified in any manner, please explain.
6. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.
7. The term "you" or "your" refers to the District of Columbia Water and Sewer Authority ("DCWASA").
8. The term "LCR" refers to EPA's Lead and Copper Rule, 40 C.F.R. Sections 141.80-.90.

*Information Request to District of Columbia Water and Sewer Authority  
Pursuant to Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a)*

9. The term "lead service line" means "a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line." See 40 C.F.R. § 141.2.
10. To the extent you provide information in electronic format, contact Karen D. Johnson at (215) 814-5445 prior to providing the information in order to verify compatibility with EPA's equipment.
11. The following certification must accompany each submission pursuant to this request and must be signed by a management representative of DCWASA authorized to respond on behalf of DCWASA:

"I certify that the information contained in or accompanying this submission is true, accurate, and complete. As to the identified portion(s) of this submission for which I cannot personally verify its truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."

12. All information shall be submitted within twenty-one (21) days of receipt of this Request for Information to:

Karen D. Johnson (MC 3WP32)  
Chief, Safe Drinking Water Act Branch  
United States Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

**B. Request for Information**

DCWASA is hereby required, pursuant to Section 1445(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-4(a), to submit the following information pursuant to the Instructions set forth above:

1. With regard to the person providing answers to these questions, state your name, business address, business telephone number and position with DCWASA.



2. With regard to any person who participated in or contributed to DCWASA's response to this Request for Information, provide that person's name, business address, business telephone number, and position with DCWASA, including whether the person is an employee or a contractor.
3.
  - a. Provide all results from lead sampling or monitoring performed on drinking water supplied by DCWASA in the District of Columbia since January 1, 1994. This request includes all results in the possession or control of DCWASA or its agents or representatives (including contractors) regardless of whether the sampling and/or analysis was performed by DCWASA, a representative or agent of DCWASA (including a contractor), a homeowner or building owner, a representative of the Washington Aqueduct, a representative of any other federal or District of Columbia agency, or by any other person. This request seeks all results from lead sampling or monitoring in the possession or control of DCWASA or its agents or representatives (including contractors) regardless of whether the sample was taken from a building served by a known or suspected lead service line or not. This request seeks all results from lead sampling or monitoring in the possession or control of DCWASA or its agents or representatives (including contractors) regardless of whether the samples were required by EPA's Lead and Copper Rule ("LCR"), 40 C.F.R. § 141.80, *et seq.*, or whether the samples were used to calculate the 90th percentile pursuant to the LCR. This request seeks all results from lead sampling or monitoring in the possession or control of DCWASA or its agents or representatives (including contractors) regardless of whether or not those samples were invalidated.
  - b. To the extent any samples taken to determine the concentration of lead in drinking water provided by DCWASA were invalidated, DCWASA shall identify the invalidated samples, the lead concentration of each sample, and provide an explanation as to why the samples were invalidated. Such explanation shall include the procedures followed for such invalidation, including but not limited to identifying who in DCWASA made the decision to invalidate the sample, and who if anyone at EPA approved the invalidation. Provide copies of all approvals by EPA for any lead sample invalidation.
4. Identify all lead service lines within DCWASA's service area that were physically replaced from 1996 to the present for any reason, including lead service lines physically replaced in connection with normal maintenance and/or other road work.
  - a. Provide all work orders, daily construction reports, or any other documents reflecting physical replacement of lead service lines from 1996 to the present.

- b. With respect to all lead service lines physically replaced from 1996 to the present, state what portions of the lead service lines were physically replaced and what portions were not physically replaced (for example, those portions downstream of the property line). When the lead service line was replaced only up to the property line, identify what, if any, portion was replaced by the homeowner and/or building owner.
  - c. Provide the location of each lead service line that has been replaced. Identify all lead samples taken following full or partial replacement of lead service lines from 1996 to the present, including but not limited to those taken to comply with the requirements of 40 C.F.R. § 141.84(d)(1).
  - d. With respect to each lead service line that has been replaced from 1996 to the present, state the reason the line was replaced (i.e., exceedance of EPA action level for lead of 0.015 mg/L, routine maintenance, etc.)
5. Provide the locations by address of all known or suspected lead service lines. This may be provided in electronic or written format.
6.
  - a. Provide the location of all lead service lines that have been tested for lead since 2000. This may be provided in electronic or written format.
  - b. Identify each lead service line that has tested below the EPA action level for lead of 0.015 mg/L and been counted by DCWASA toward fulfilling the requirements of 40 C.F.R. § 141.84. This may be provided in electronic or written format.
  - c. Provide the location of all lead service lines that have exceeded the EPA action level for lead of 0.015 mg/L. This may be provided in electronic or written format.
7. Identify the type and composition of any pipe, collar or shut off valve used for service line replacement since January 1, 1994.
8. Provide copies of all instructions provided by you to residents from December 1999 to the present for the purpose of obtaining samples for compliance with the lead action level under the LCR, sampling in connection with DCWASA's lead service line replacement program, sampling after physical replacement of a lead service line, or any other purpose related to sampling for lead in drinking water. Provide all versions of these instructions. To the extent the instructions changed over time, provide all versions and identify the time frames in which each version of the instructions was used.

9. Provide all lead service line replacement sampling results from 2000 to the present, including the date the lead service line was replaced, when the sample was taken, when the sampling results were received from the laboratory, and the date the results were sent to the homeowner and/or residents served by the lead service line. Provide representative samples of all notification provided from 2000 to the present to homeowners and/or residents served by a service line that exceeded 0.015 mg/L of lead. Provide the addresses that received the notice and the dates of such notices.
10. Provide representative samples of all transmittals of lead sampling results to residents sent by you since December 1999, including the cover letter(s) and any attachment(s). To the extent different versions of the cover letter were used to transmit lead sampling results to different populations (i.e., residences sampled for compliance with the LCR, lead service line sampling, post-replacement sampling, or any other purpose), provide samples of each version. To the extent the wording of the transmittals changed over time, provide all versions and identify the time frame(s) in which each version was used. State whether sample results were transmitted to all residences that were sampled or only to a subset (such as residences that tested over the LCR action level).
11.
  - a. Provide copies of all documents (including bill inserts) produced or distributed by you since December 2000 in any language for the purpose of educating the public about lead in drinking water.
  - b. Produce all information regarding lead in drinking water used as a reference by persons answering telephone help lines for DCWASA in any language other than English since December 2000.
12. Provide copies of all newspaper advertisements you have purchased since December 2000 for the purpose of educating the public about lead in drinking water. Identify the newspaper(s) in which each advertisement was published and the date(s) of publication.
13.
  - a. Provide copies of all transmittal documents, letters or other documents since December 2001 that accompanied any document or public service announcement regarding lead in drinking water distributed by DCWASA to television stations, radio stations, newspapers, the Department of Health of the District of Columbia, libraries, hospitals, clinics, City Council or any other person or agency pursuant to 40 C.F.R. § 141.85(c).
  - b. Provide copies of all public service announcements regarding the lead content of drinking water distributed by DCWASA since December 2001 to television stations, radio stations, newspapers, the Department of Health of the District of Columbia, libraries, hospitals, clinics, City Council or any other person or agency

pursuant to 40 C.F.R. § 141.85(c).

- c. Identify the date each public service announcement was distributed and provide any document demonstrating the date each public service announcement was distributed.
14. Provide copies of all policies and/or procedures that DCWASA has for lead testing, lead service line replacement and public notification/education regarding the presence of lead in drinking water.
15. Provide copies of all preliminary, draft and final reports for all tap water monitoring for lead and copper submitted by DCWASA to EPA pursuant to 40 C.F.R. § 141.90(a) since December 2001.
16. Provide copies of all written documentation submitted by DCWASA to EPA pursuant to 40 C.F.R. § 141.90(f) since December 2001.